

Mail Stop Interference  
P.O. Box 1450  
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Paper 110  
Filed July 17, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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GUO-LIANG YU, BERKELEY, REINHARD EBNER,  
AND JIAN NI  
Junior Party  
(U.S. Application No. 09/589,288),

v.

JEFFREY BROWNING, CHRISTINE AMBROSE,  
FABIENNE MACKAY, JURG TSCHOPP, AND PASCAL SCHNEIDER,  
Senior Party  
(U.S. Patent No. 6,869,605).

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Patent Interference No. 105,485 (MPT)  
(Technology Center 1600)

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Before SALLY C. MEDLEY, MICHAEL P. TIERNEY, and JAMES T.  
MOORE, Administrative Patent Judges.  
TIERNEY, Administrative Patent Judge.

Judgment – Bd.R. 127

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3 Junior Party Browning has conceded the contest. (Paper 108).  
4 Concession of priority of invention is construed as a request for adverse

1 judgment. 37 C.F.R. 41.127(b)(3). Judgment on priority of invention for  
2 the subject matter of Count 1, the sole count in interference, is awarded  
3 against Browning.  
4

5 It is:

6 Ordered that judgment be entered against Browning for Count  
7 1, the sole count in interference (Paper 1, p. 4).

8 Further Ordered that claims 1-14 of Browning's involved  
9 patent, U.S. Patent 6,869,605, are CANCELLED, 35 U.S.C. §135(a).

10 Further Ordered that a copy of this judgment be entered in the  
11 administrative records of the involved Browning, U.S. Patent 6,869,605 and  
12 Yu, U.S. Application 09/589,288.

cc (via electronic filing):

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Patent Interference No. 105,485 (MPT)  
(Technology Center 1600)

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MICHAEL P. TIERNEY, *Administrative Patent Judge.*

Decision on Motions – Bd. R. 125(a)

On July 16, 2008, Junior Party Browning conceded the contest.  
(Paper 108). Concession of priority of invention is construed as a request  
for adverse judgment. 37 C.F.R. 41.127(b)(3).  
Prior to Browning's request for adverse judgment, the parties filed

several priority and patentability motions, but filed no oppositions or evidence. These motions are dismissed as moot in light of Browning's request for adverse judgment.

It is:

Ordered that Yu Substantive Motions 4 and 5 and Browning Substantive Motions 8 and 9, are *dismissed* as moot.

cc (via electronic filing):

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